

OUTLINE OF STATE COMMITMENTS FOR ESPA SETTLEMENT

1. Legislative Commitments

A. The Legislature will direct the Natural Resource Issues Interim Committee to do the following prior to the First Regular Session of the 58th Idaho Legislature:

1. Oversee and ensure that all State commitments set forth herein are fulfilled;
2. Develop short-term and long-term Eastern Snake River Plain Aquifer (ESPA) management goals and objectives together with standards to determine whether the goals are being met, all of which, are consistent with the prior appropriation doctrine.
3. Investigate and make recommendations regarding water supply measures or projects that should be implemented to achieve the short-term and long-term goals and objectives, including but not limited to the following:
 - a. Review the study by the Idaho Department of Water Resources (IDWR) on the "Feasibility of Large-Scale Managed Recharge of the Eastern Snake Plain Aquifer System," (December 1999) and any other applicable studies and do the following:
 - i. Reach agreement on what portions of the plans should be pursued;
 - ii. Develop a process and time frame for resolving any impediments to implementation of those portions of the recharge plans to be pursued;
 - iii. Develop recommendations for securing necessary funds for those portions of the recharge plans to be pursued; and
 - iv. Develop and implement steps necessary to obtain access to federal sites and facilities necessary for the portions of the recharge plans to be pursued.
 - b. Investigate and make recommendations on the feasibility of construction or acquisition of additional storage space, including but not limited to the State becoming a cooperating partner in the rebuilding of Minidoka Dam.
4. Investigate and make recommendations for reducing or curtailing certain ground water depletions, including but not limited to the following:
 - a. Develop recommendations to facilitate reductions or curtailments of certain ground water pumping by providing a permanent alternative surface water supply;
 - b. Develop recommendations for an enhanced Conservation Reserve Program (CRP) set aside program;

- c. Develop recommendations for purchase or acquisition of lands having the most significant impact on spring flows; and
 - d. Other issues identified to the Committee.
- 5. Investigate the extent of ground water depletions which occur and have occurred in the Eastern Snake River Plain Aquifer and make recommendations for augmenting spring flows for spring dependent sources through better management of the diversion and use of spring flows, including but not limited to a study of constructing a pump back facility from Clear Lake for providing water of requisite quality to Clear Lakes springs.
- 6. Study and recommend a method for funding implementation of the short-term ESPA management goals and objectives, including but not limited to a water use fee and use of state bonding authority.
- 7. Evaluate and make recommendations regarding legal mechanisms for implementing administration of surface and ground water rights, including but not limited to use of ground water management areas. Recognizing that this agreement may inadvertently protect ground water pumping by ground water users who are neither signatories to this agreement nor members of the signatory ground water districts and who have not provided mitigation, the committee will develop methods for ensuring full future participation of all ground water users in any mitigation efforts.
- 8. The Committee shall meet on a monthly basis beginning on or before April 15, 2004. The Committee shall establish milestones and establish and oversee technical committees and stakeholder committees as necessary to effectuate the duties of the Committee.
- B. The Legislature will enact legislation during the 2004 Legislative Session to create an Aquaculture Commission.
- C. The Legislature will provide an FTE within the Department of Commerce in 2004 to assist agencies of the State of Idaho and water users affected by the decline in the ESPA and spring flows to identify and obtain funding for programs and projects for the recovery of the ESPA and restoration of spring flows. The responsibilities of this position will include the following:
 - 1. providing support and assistance to the Natural Resource Issues Interim Committee as requested;
 - 2. providing support and assistance to the Aquaculture Commission in carrying out its powers and duties; and
 - 3. providing assistance to water users and agencies of the state in identifying and obtaining funding for:
 - a. financial relief for affected spring water users;
 - b. aquifer recharge projects; and
 - c. projects to reduce ground water withdrawals; and

- d. projects for spring water users to augment spring flows and water deliveries.
 - D. The Legislature will provide an Engineer Tech 1 FTE within the Department of Water Resources in 2004 to assist the water masters for Water District Nos. 36A and 130 and to assist with the identification and evaluation of alternatives to enhance the beneficial use of available spring flows.
 - E. State and federal funding will be provided to conduct an independent study during the 2004 calendar year to determine the feasibility of projects augmenting spring flows for spring dependent sources. The study will include but not be limited to determining whether currently unappropriated spring flows can be made available to spring dependent water users and whether other surface supplies can be made available to non-spring dependent water users to increase the availability of spring flows for spring dependent water users.
 - F. The State will commit \$300,000 during 2004 for development and implementation of a long-term mitigation plan. The State also will seek federal cooperation and assistance in development of a long-term aquifer management plan through the 2025 Grant Program and other funding sources.
 - G. The Legislature will create a fund within the Department of Commerce to be used for providing grant money to affected spring users to implement infrastructure improvements to address spring water supply problems. Among other sources, this fund will be authorized to receive monies from water users causing depletions to the ESPA. The Legislature will appropriate \$500,000 during FY 2005 to this fund. One of the projects to be funded is the drilling of test wells to determine the feasibility of augmenting the water supply available for aquaculture uses in the Clear Springs area. The test wells will be drilled on or before December 31, 2004, if protests to the pending application are resolved in a timely fashion.
 - H. The Legislature will appropriate \$520,000 to the Idaho Water Resource Board in FY 2004 to lease 40,000 acre-feet of storage water for providing replacement water for delivery in Water District 130.
 - I. The Legislature will appropriate \$500,000 to the Idaho Water Resource Board loan fund. The Board will be authorized to loan up to \$500,000 to the North Snake Ground Water District and the Magic Valley Ground Water District for undertaking mitigation measures.
 - J. During the 2005 legislative session, the Legislature will review and take action on recommendations from the Natural Resource Issues Interim Committee that are the most beneficial and feasible.
2. Executive Branch Commitments
- A. The State will provide up to \$300,000 in 2004 and \$500,000 in 2005 consisting of 20 percent grants and 80 percent loans to ground water users to be used in reducing ground water pumping through conversion to surface water supplies.

- B. In a collaborative effort with the existing technical advisory committee, IDWR will complete simulated runs of management scenarios with the reformulated/recalibrated ESPA ground water model by December 2004.
- C. IDWR will initiate a negotiated rulemaking process for review and modification of the existing conjunctive management rules, as determined to be needed and appropriate.
- D. The Department of Commerce will provide business assistance related to water users in the Thousand Springs Reach. The main objective will be to seek business solutions for water users impacted by the declining aquifer level and spring flows.
- E. The Department of Agriculture will provide technical assistance to aquaculture interests in development of marketing strategies for aquaculture products.
- F. The Governor, by executive order, will reaffirm the moratorium on ground water development dated April 30, 1993 as it applies to the ESPA. IDWR will take such actions as necessary to ensure compliance with the moratorium.
- G. State agencies will provide technical and legal support for the Natural Resource Issues Interim Committee and any subcommittees as requested.
- H. The Executive Branch will cooperate as necessary to implement the congressional commitments set forth below.

Water Agreement - State General Fund & Miscellaneous Revenue

FY 2004 Supplemental		General Fund	
1 FTP Department of Commerce			
Aquaculture Development Professional			
Full-year			
Salary	45,000	Two months	7,500
Benefits	16,500	Two months	2,800
Subtotal	61,500		10,300
OE @10%	6,200	Three months	1,600
Total	67,700		11,900
			A
1 FTP Department of Water Resources			
Technical Engineer 1			
Full-year			
Salary	48,600	Two months	8,100
Benefits	17,000	Two months	2,800
Subtotal	65,600		10,900
OE @10%	6,600	Three months	1,700
Total	72,200		12,600
			B
For Water Board to rent 40,000 acre feet (@13/ft)			
Transfer to Water Management Fund		\$520,000	C
Total FY 2004 Supplemental		\$544,500	D=(A+B+C)
FY 2005 Appropriation			
1 FTP Department of Commerce			
Aquaculture Development Professional			
Full-year			
Salary		45,000	
Benefits		16,500	
Subtotal		61,500	
OE @10%		6,200	
Subtotal		67,700	E
Department of Commerce Grants to affected spring users			
Trustee and Benefit Payments		500,000	F
Total		567,700	G=(E+F)
1 FTP Department of Water Resources			
Technical Engineer 1			
Full-year			
Salary		48,600	
Benefits		17,000	
Subtotal		65,600	
OE @10%		6,600	
Total		72,200	H
Spending authority to Planning and Technical Services			
To develop and implement long-term mitigation plan			
Miscellaneous Revenue Fund	300,000		
For Water Board to loan to Ground Water districts			
Transfer to Revolving Development Fund		\$500,000	I
Total FY 2005 Appropriation		\$300,000	\$1,139,900
			\$1,439,900
			J=(G+H-I)
GRAND TOTAL FY 2004 & FY 2005		\$300,000	\$1,684,400
			\$1,984,400
			K=D+J

I. DEPARTMENT OF WATER RESOURCES: Management and Support Services HB 363

190101

PROGRAM DESCRIPTION: Provide management and support services for departmental programs, while establishing and promoting a sound state water policy.

PROGRAM SUMMARY:						
<u>BY FUND SOURCE:</u>	FY 1993 Actual	FY 1994 Actual	FY 1995 Total Approp	FY 1996 Request	FY 1996 Gov Rec	FY 1996 Approp
General	1,652,100	1,152,700	1,284,700	1,328,800	1,425,900	1,421,400
Federal	5,200	22,700	0	0	0	0
Other	183,900	252,500	330,900	329,200	326,800	325,100
TOTAL	1,841,200	1,427,900	1,615,600	1,657,800	1,752,500	1,746,500
<i>Change from Previous Year</i>	<i>(10.1%)</i>	<i>(22.4%)</i>	<i>13.1%</i>	<i>2.6%</i>	<i>8.5%</i>	<i>8.1%</i>
<u>BY STANDARD OBJECT:</u>						
Personnel Cost	685,300	755,700	918,900	917,500	909,400	909,400
Operating Expenditures	329,100	383,900	388,600	452,400	418,400	412,400
Capital Outlay	6,800	76,000	97,000	134,800	76,000	76,000
Trustee/Benefit Payments	820,000	212,300	211,100	153,100	348,700	348,700
TOTAL	1,841,200	1,427,900	1,615,600	1,657,800	1,752,500	1,746,500
FTP	16.20	19.00	19.00	19.00	19.00	19.00

DECISION UNIT SUMMARY:

Description	FTP	General	Dedicated	Federal	Other	Total
FY 1996 ORIGINAL APPROPRIATION	19.00	1,284,700	0	0	330,900	1,615,600
Expenditure Adjustments	0.00	0	0	0	(27,500)	(27,500)
FY 1996 ESTIMATED EXPENDITURES	19.00	1,284,700	0	0	303,400	1,588,100
Base Adjustments	0.00	(177,500)	0	0	(6,800)	(184,300)
FY 1996 BASE	19.00	1,107,200	0	0	296,600	1,403,800
Benefits	0.00	4,000	0	0	1,200	5,200
Replacement Items	0.00	45,000	0	0	0	45,000
Non-Standard Adjustments	0.00	400	0	0	17,600	18,000
Annualizations	0.00	1,300	0	0	400	1,700
Employee Compensation (CEC) 5%	0.00	36,700	0	0	9,300	46,000
FY 1996 PROGRAM MAINTENANCE	19.00	1,194,500	0	0	325,100	1,519,700
Program Enhancements:						
1. Instream Flow Claim Fees	0.00	226,800	0	0	0	226,800
FY 1996 APPROPRIATION	19.00	1,421,400	0	0	325,100	1,746,500
% Chg From FY 95 Original Approp.		10.6%			(1.8%)	8.1%
% Change From Base		28.4%			9.6%	24.4%

FY 1994 Supplemental
Other Legislation: SB 1260 transferred \$1,000,000 from the General Fund Surplus into the Water Management Fund, which is a special project fund under the Water Resources Board, and which is perpetually appropriated. The intent of the legislation was to direct the Board to purchase up to 300,000 acre feet of water for the purpose of executing an artificial recharge of the Snake River Aquifer, at an approximate cost of \$945,000. Also included in the bill was a section earmarking \$55,000 of the total for a Bear River Dam location site study. Any unspent and unencumbered balances of this \$1,000,000 on June 30, 1995 will be returned to the General Fund.

FY 1996 APPROPRIATION:							
<u>Fund Detail</u>	<u>FTP</u>	<u>Pers Costs</u>	<u>Oper Exp</u>	<u>Cap Out</u>	<u>T/B Pymts</u>	<u>Lump Sum</u>	<u>TOTAL</u>
G 0001-00 General	13.80	698,500	329,200	45,000	348,700	0	1,421,400
O 0125-00 Indirect Cost Rec	5.20	210,900	83,200	31,000	0	0	325,100
Total	19.00	909,400	412,400	76,000	348,700	0	1,746,500